

application met the requirement of unity of invention throughout the international search and the international examination and no invitation to pay additional fees was made under Article 17(3)(a). The International Preliminary Examination Report was favorable with respect to all claims. Claims 1-202 each satisfied the criteria of PCT Article 33(1)-(4).

In the National Stage Application the Examiner has applied restriction practice in accordance with 37 CFR 1.141-1.146 and MPEP Section 803. However, restriction practice under 35 U.S.C. 121, as it applies to national applications submitted under 35 U.S.C. 111(a), is not applicable to either international or national stage applications filed under 35 U.S.C. §371. See 1895.01 D -- Unity of Invention. Restriction practice in both international and national stage applications is determined under unity of invention principles as set forth in 37 CFR 1.475 and 1.499 (effective May 1, 1993).

Because this application was filed under 35 U.S.C. 371 and all of the claims pending in this application (claims 42-200) meet the requirements of unity of invention, claims 42-200 are not subject to restriction and the applicant respectfully requests that all the claims pending be examined as a single group.

## **CONCLUSION**

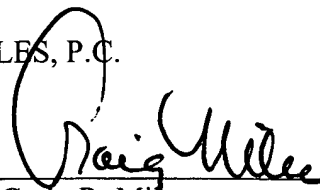
The applicant traverses the Examiner's restriction requirement because a national stage application is not subject to restriction under 35 U.S.C. 121. Rather, claims 42-200 pending in this application are subject to unity of invention. Claims 42-200 pending in this national stage application meet the requirements of unity of invention and should be examined in one group. The applicant has provisionally elected Group IX (claims 173-189) subject to this traverse.

Dated this 15 day July, 2004.

Respectfully Submitted,

CR MILES, P.C.

By:

A handwritten signature in black ink, appearing to read "Craig Miles", written over a horizontal line.

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